

GOVERNMENT OF ANDHRA PRADESH
ABSTRACT

Tribal Welfare-Adilabad District-Revision Petition filed by Sri Shaik Mohammed S/o Allauddin R/o Kerameri (V&M), Adilabad District under section 6 of A.P.S.A.L.T.R 1959 against the orders of the Additional Agent to Government, Utnoor in Case No:A4/LTR/10/1991 Dated:30-6-2007-Dismissed-Orders-Issued.

SOCIAL WELFARE (LTR-2) DEPARTMENT

G.O.Ms.No: 192

Dated:21-10-2008

Read the following

1. From Sri Ch.Premchandan Rao Counsel for the Petitioner in Revision Petition Dated:9-7-2007.
2. Government Memo No:4841/LTR2/2007-1, Dated:17-7-2007.
3. From Project Officer, ITDA, Utnoor, Letter No:A4/10/1991 Dated:3-9-2007.
4. Government Memo No:4841/LTR2/2007 Dated:19-3-2008 and 17-6-2008.

ORDER:

In the reference 1st read above Sri Shaik Mohammed S/o Allauddin has filed a Revision Petition through his counsel Sri Ch. Premchandan Rao, along with stay petition before the Government against the orders of the Additional Agent to Government, Utnoor, Adilabad District in case No:A4/LTR/10/1991 dt:30-6-2007, in respect of land measuring Acres 7.73 cents in Sy.No.94/105 situated in Kerameri (V&M), Adilabad District. The main grounds of the Revision Petition are:

- i. Late father of the petitioner viz. Allauddin purchased the land in Sy.No.94/105 measuring Acres 7.73 cents situated at Kerameri (V&M) of Adilabad District from another non-tribal Pattedar viz., Ershad Hussain prior to 1963. Since then they have been in possession and enjoyment and paying land revenue to the Government. After the death of Allauddin, the land devolved on the revision petitioner.
 - ii. The ejection was ordered without considering the fact of petitioner's father purchased the land from another non-tribal pattedar prior to 1963. The Mandal Revenue Officer Kerameri reported it as patta land but Special Deputy Collector (TW), mentioned it as Government land.
 - iii. They were entitled for possession and enjoyment on the subject land as per contents of G.O.Ms.No.129 of 1978.
 - iv. The entries in the solitary pahani of 1989-90 were got managed and number of pahanies earlier thereto, show their names and of vendor Ershad Hussain.
 - v. Since the transaction took place prior to 1963 between the non-tribals, the case is not hit by LT Regulations.
2. The brief facts of the case are that the Special Deputy Collector (TW), has initiated the case on the report of Mandal Revenue Officer, Kerameri that Sri Shaik Mohd S/o Allauddin a non-tribal R/o Kerameri was cultivating the patta land bearing Sy.No. 94/105 Extent of Acres 7.73 cents situated at tribal village Kerameri. The pahani for the year 1989-90 indicates that Sri Shaik Mohd S/o Allauddin was the cultivator of the scheduled land which is the patta of Sri Giri Baliram S/oAnanda Rao R/o Kerameri. The sale deed was executed on an ordinary paper. From the report of the Mandal Revenue Officer, it is clear that the suit land is an assigned land. As per G.O.Ms.1406 of 1958 and the conditions laid down therein the assigned land is heritable but not alienable. As the transfer of immovable property was in contravention of Sub sec 1 of Sec 3 of Andhra Pradesh Scheduled Areas Land Transfer Regulation 1 of 1970, the Special Deputy Collector (TW), Utnoor ordered for ejection of the non-tribal transferee from the suit land and to revert the same land to the tribal pattedar Sri Giri Baliram S/o

Ananda Rao in case No:TWA1/838/90 Dt:31-01-1991. Aggrieved by the order of the Special Deputy Collector (TW), Sri Shaik Mohd filed and appeal before the Additional Agent to Government, Utnoor. The Agent to Government, Utnoor upheld the orders of the lower court in case No: A4/LTR/10/1991, dt:30-6-2007 as the suit land is a Government assigned land and assigned to Sri. Gire Baliram (tribal) and as per G.O. Ms.No.1406/1958 the Government land is heritable but not alienable. The petitioner filed a Revision Petition against the orders of the Additional Agent to Government before the Government. The Revision Petition has been admitted and further action in pursuant of the proceedings of the Addl. Agent to Government in A4/LTR/10/1991 dated:30-6-2007 has been stayed, vide Government Memo No.4841/LTR-2/2007, dated:17/7/2007.

3. In the reference 2nd read above, the Agent to Government, Utnoor was requested to furnish parawise remarks and case records and the same were received through in the reference 3rd read above. After examination of the case records notices were issued to the concerned to attend the hearing of the Revision Petition on 27-3-2008, and the case was finally heard on dated:30-6-2008. The petitioner was absent and the Counsel for the petitioner present and argued the case corroborating the grounds in the Revision Petition.

4. Government after examination of the case records of both lower and appellate authorities, the grounds of the Revision Petition, Para-wise remarks furnished by Additional Agent to Government and PO ITDA Utnoor, it is found that:-

1. The petitioner had not submitted any documentary evidence in support of his claim that they purchased the land through an agreement of sale prior to 1963 from another non-tribal viz., Ershad Hussain, nor pahanies for the crucial period, before the Special Deputy Collector (TW), and Additional Agent to Government, Utnoor. The sada agreement which was submitted by him before the Special Deputy Collector (TW), Utnoor is not relevant to the present case.
2. Since the name of petitioner was found in pahani of 1989-90, the Mandal Revenue Officer, Kerameri reported the fact of their illegal occupation to the Special Deputy Collector (TW), for necessary action under LTR provisions.
3. As the Government land was assigned patta to the tribals, the Mandal Revenue Officer reported as patta land of tribals.
4. The G.O.Ms.No.129, dt.1-8-1979 was quashed by the Hon'ble High Court of Andhra Pradesh in W.P.No.1755/80.

The only contention of the petitioners that they purchased the land under dispute through an agreement of sale prior to 1963 without any documentary evidence is not acceptable as per law. The burden of proof lies with the non-tribal petitioner only. Hence, the Revision Petition is devoid of merits.

5. Government after careful examination of the case records find no reason to interfere with the order of the Agent to Government in Case No.A4/LTR/10/1991, dt:30-6-2007 and dismiss the Revision Petition. The stay orders granted by the Government in Memo No:4841/LTR-2/2007 dt:17-7-2007 shall become inoperative.

6. The Collector, Adilabad / Additional Agent to Government, Utnoor is requested to take necessary action in the matter.

(BY ORDER AND IN THE NAME OF THE GOVERNOR OF ANDHRA PRADESH)
A.K.TIGIDI,
PRL. SECRETARY TO GOVERNMENT.

To

The Collector, Utnoor, Adilabad District.

(With RPAD of the following records)

1. Case File No: TWA1/838/90 Containing CFP 54, NFP 4, Total pages 58 only.

2. Case File No: A4/LTR/10/1991 containing CFP 233 pages only.
The Special Deputy Collector (TW), Utnoor, Adilabad.
The Additional Agent to Government and PO ITDA, Utnoor, Adilabad.
Sri Shaik Mohammad S/o Allauddin,
R/o Kerameri (V&M), Adilabad District.
Sri Giri Baliram, S/o Ananda Rao,
R/o Kerameri (V&M), Adilabad District.
Sri CH. Premchandan Rao, Advocate
H.No.5-9-22/44 F.3 Adarshnagar, Hyderabad.
The P.S. to M (TW&RAID).
SF / SC

// FORWARDED BY ORDER //

SECTION OFFICER